

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re:)	MDL No. 1456
)	Civil Action No. 01-12257-
PBS)	
PHARMACEUTICAL INDUSTRY)	Subcategory No. 06-11337
AVERAGE WHOLESALE PRICE)	
LITIGATION)	
_____)	
)	
THIS DOCUMENT RELATES TO:)	
<i>United States of America ex rel. Ven-A-Care of</i>)	Judge Patti B. Saris
<i>the Florida Keys, Inc., by and through its principal</i>)	
<i>officers and directors, Zachary T. Bentley and</i>)	
<i>T. Mark Jones v. Actavis Mid Atlantic LLC, et al.</i>)	

ORDER OF DISMISSAL WITH PREJUDICE OF CERTAIN DEFENDANTS

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the federal False Claims Act, Relator Ven-A-Care of the Florida Keys, Inc. (the "Relator") and Teva Pharmaceuticals USA, Inc., Ivax Corporation, Ivax Pharmaceuticals, Inc., Duramed Research, Inc., Zenith-Goldline Pharmaceuticals, Inc., Goldline Laboratories, Inc., Barr Pharmaceuticals, Inc., and Barr Laboratories, Inc. (collectively, "Teva") (Teva together with Relator collectively the "Parties") filed with this Court, a Stipulation of Dismissal and Motion for Order of Dismissal with Prejudice of Teva. Upon due consideration of the Stipulation and the Parties' Settlement Agreement and Release, the United States' Consent, the Consent of the State of California, the lack of objection to the proposed Settlement, and the Court's determination that the Settlement Amount appears to the Court to be fair, adequate, and reasonable under all the circumstances, the Court hereby approves the Settlement.

WHEREFORE, IT IS ORDERED, that

1. Consistent with the terms of the Settlement Agreement and Release attached hereto as Exhibit A, the above-captioned Civil Action, is dismissed with prejudice as to Teva;

2. This Order resolves all claims against Teva for the federal share of Medicaid overpayments brought in the above-captioned Civil Action; however, this Order shall in no way prejudice or limit any claims for a state's share except as provided for in the Settlement Agreement as to the State of California.

3. Each party shall be responsible for its own expenses, attorneys' fees, and costs.

4. The Court shall retain jurisdiction to enforce the terms, conditions, and releases of the Parties' Settlement Agreement and Release to the extent reasonably necessary and appropriate.

IT IS SO ORDERED this 10 day of AUGUST, 2010.

A handwritten signature in black ink, appearing to read "Patti B. Saris", is written over a horizontal line.

THE HONORABLE PATTI B. SARIS
UNITED STATES DISTRICT COURT JUDGE